

## **CrR 32.1 REVOCATION OR MODIFICATION OF PROBATION OR SUPERVISED RELEASE**

A magistrate judge shall conduct all probation or supervised release revocation proceedings as to a defendant originally sentenced by a magistrate judge. In revocation proceedings relating to defendants sentenced by a district judge, initial appearances and any preliminary hearings shall be conducted by a magistrate judge, unless otherwise ordered by a district judge; and with the consent of the defendant and to the extent consistent with applicable law, any evidentiary hearing shall be conducted by a magistrate judge, unless otherwise ordered by a district judge. Not more than ten (10) days after any such evidentiary hearing, the magistrate judge shall submit to and file with the district court, proposed findings of fact, a copy of which shall be promptly provided to all the parties. Said submission shall include a listing of all the alleged violations that were found to be established by a preponderance of the evidence, and all the alleged violations that were not so established; and may include comments and/or recommendations as to disposition. Within ten (10) days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations. The district court judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or resubmit the matter to the magistrate judge with instructions.

[Effective July 1, 1997.]